

## CLARK COUNTY MIXED-USE ORDINANCE UPDATE

### Mixed-Use Ordinance Recommendations

December 9, 2005

Recommendations to the Clark County Mixed-Use Ordinance are provided in track changes format. MAKERS' rationale statements, comments and/or questions are provided in CAPS throughout. Yellow highlighted text are key changes made per staff comments while blue highlighted text are areas where clarification with staff is needed.

#### 40.230.020 Mixed Use District (MX)

##### A. Purpose.

The Mixed Use (MX) district requires mixed use developments to provide the community with a mix of mutually-supporting retail, service, office and ~~medium or high density~~ residential uses. It promotes cohesive site planning and design which integrates and interconnects two or more land uses into a development that ~~is~~ are mutually supportive. It provides incentives to develop a higher-density, active, urban environment than generally found in a suburban community, ~~and~~ which is further expected to:

1. Achieve ~~the~~ goals and objectives of the community framework plan and the comprehensive plan;
2. Enhance livability, environmental quality and economic vitality;
3. Accommodate and respect surrounding land uses by providing a gradual transition ~~into~~ adjacent to lower density neighborhoods that may encircle a potential mixed-use site;
4. Maximize efficient use of public facilities and services;
5. Provide a variety of housing types and densities;
6. Reduce the number of automobile trips and encourage alternative modes of transportation; and
7. Create a safe, attractive and convenient environment for living, working, recreating and traveling.

##### B. Applicability.

1. General. The provisions of this section shall be applied to parcels or groups of contiguous parcels designated mixed use on the zoning map.
2. Interpretation. If the requirements of the mixed use district conflict with other regulations, the more stringent of the two shall apply as determined by the Community Development Director.

##### ~~C.~~ Definitions. (THE FOLLOWING DEFINITIONS TO BE ADDED TO 40.100.070)

For the purposes of this section, the following definitions shall apply:

1. "Assisted living facility, senior" means any facility that provides either permanent or temporary residence for senior citizens which provides common dining areas, although facilities may offer kitchen facilities in the individual rooms as well. Some facilities may offer minor health services on-site, such as a resident nurse. An assisted care facility is not a nursing home, adult family home or residential care facility.

2. "Building footprint" means the area contained within the exterior building walls of the ground floor of a building plus the area of any portion of upper floors that extend outside of the footprint of the ground floor.
3. "Cottage housing" means a collection of small single-family detached dwelling units arranged around a common open space.
4. "Mixed-use building" means any building that combines both permitted residential and non-residential uses.
54. "Mixed-use development" ~~shall~~ means a group of structures planned as a single entity and containing within and/or among them a variety of complementary, and/or mutually supporting uses (such as housing, offices, manufacturing, retail, public service or entertainment).
62. "Net Acre Developable area" means is that portion of the site which is unencumbered by ~~the land voluntarily set aside~~, environmentally sensitive lands to be protected and their respective buffers, and shall exclude public right-of-way and road easements.
7. "Net ground floor area" means to non-residential floor area and excludes parking areas.
8. "Senior housing" means dwelling units specifically restricted for occupancy by persons of fifty-five (55) years of age or older.

D. Uses.

Those uses which are permitted or conditional in the Mixed-Use (MX) ~~(mixed-use)~~ district are shown in Table 40.230.020-1. Residential uses are permitted so long as the minimum required densities of this section are met. The appropriate review authority is mandatory.

- "P" Uses allowed subject to approval of applicable permits.
- "R/A" Uses permitted upon Review and Approval as set forth in Section 40.520.020.
- "C" Conditional uses which may be permitted subject to the approval of a Conditional Use Permit as set forth in Section 40.520.030.
- "X" Uses specifically prohibited.

Where there are special use standards or restrictions for a listed use, the applicable code section(s) in Special Uses (Chapter 40.260) or other applicable chapters are noted in the "Special Standards" column.

Table 40.230.020-1. Uses		
	MX	Special Standards <sup>1</sup>
1. Residential uses.		
a. Existing residences without any increase in density	P	
<u>b. Single Family Dwelling, provided they account for no more than 30 percent of the total dwelling units on the development site.</u>	<u>P</u>	

Table 40.230.020-1. Uses		
	MX	Special Standards <sup>1</sup>
c. <u>Accessory Dwelling Unit. For purposes of density calculations, accessory dwelling units shall qualify as a dwelling unit.</u>	<u>P</u>	
d. <u>Duplex Dwelling.</u>	<u>P</u>	
d. <u>Townhouse Dwelling.</u>	<u>P</u>	
e. <u>Multifamily Dwelling.</u>	<u>P</u>	
b. <del>Medium density (Integrated multi-family/commercial or mixed use structures, townhouse, or apartment, from 12 to no more than 22 residential units per net acre)</del>	<u>P</u>	<u>40.230.020(D)(2), 40.230.020(E)(1)b 40.260.150</u>
e. <del>High density (Integrated multi-family/commercial or mixed use structure not to exceed 43 residential units per net acre)</del>	<u>P</u>	<u>40.260.150</u>
d. <del>Existing residences without any increase in density</del>	<u>P</u>	-
e. Home occupations	R/A	<u>40.260.100</u>
f. <del>Bed and breakfast establishments (up to 2 guest bedrooms)</del>	R/A	<u>40.260.050</u>
g. Bed and breakfast establishments (3 or more guest bedrooms)	<u>CP</u>	<u>40.260.050</u>
i. <u>Assisted living facility, senior.</u>	<u>P</u>	
h. <del>Single-family detached and duplex</del> <u>Cottage housing developments, provided they account for no more than 50% of the total dwelling units on the development site.</u>	<u>XP</u>	
2. Retail Sales–Food.		
a. Markets <del>– not to exceed 35,000 square feet</del> <u>or less of building footprint</u> <del>gross floor area</del>	<u>P</u>	
b. Markets <u>s on development sites with</u> <del>– 20 acre or greater development (35,000 to 59,000 square feet of building footprint</del> <u>gross floor area)</u>	<u>P</u>	
c. Bakery–primarily retail outlet (< 10,000 square feet of <u>building footprint</u> <del>gross floor area)</del>	<u>P</u>	
3. Retail Sales–General.		
a. General retailer – (>100,001 square feet <u>building footprint</u> <del>gross floor area)</del>	X	
b. General retailer– < 10 acre development up to 50,000 square feet <u>building footprint</u> <del>gross floor area</del>	<u>P</u>	
c. General retailer– 10 acre or greater development up to 100,000 square feet of <u>building footprint</u> <del>gross floor area</del>	<u>P?</u>	
d. Single purpose/specialty retailers up to (25,000 square feet <u>building footprint</u> <del>gross floor area)</del>	<u>P</u>	

Table 40.230.020-1. Uses		
	MX	Special Standards <sup>1</sup>
e. Single purpose/specialty retailers (greater than 25,000 square feet <del>building footprint</del> gross floor area)	<del>GP?</del>	
f. Yard and garden supplies, including nurseries	P	
4. Retail Sales–Restaurants, Drinking Places.		
a. Restaurants, with associated drinking places, alcoholic beverages	P	
b. Drinking places, alcoholic beverages (with or without entertainment)	<del>GP</del>	
5. Retail Sales and Services–Automotive and Related.		
a. Commercial off-street parking facilities	P	
b. Transportation terminals–People.	P	
6. Retail Sales–Building Material and Farm Equipment.		
a. Hardware, home repair and supply stores – < 10 acre development (25,000 to 50,000 square feet <del>building footprint</del> gross floor area)	P	
b. Hardware, home repair and supply stores – 10 acres or greater development (50,001 – 100,000 square feet <del>building footprint</del> gross floor area)	P	
7. Retail Sales–Products (Finished product retailers with primary fabrication or assembly on site. Within an entirely enclosed building.)		
a. Uses of < 5,000 square feet <del>building footprint</del> gross floor area	P	
b. Uses of 5,000–25,000 square feet <del>building footprint</del> gross floor area	<del>R/AP</del>	
8. Services–Personal.		
a. Self-service laundries, dry cleaning, including pressing, alteration, garment and accessory repair, excluding industrial cleaning services	P	
b. Barber and beauty shops	P	
<del>c. Clothing rental establishments</del>	<del>P</del>	-
9. Services–General.		
a. Duplicating, addressing, blueprinting, photocopying, mailing, and stenographic services (up to 25,000 square feet <del>building footprint</del> gross floor area)	P	
b. Office equipment and home appliance rental, service and repair agencies	P	
c. Printing, publishing and lithographic shops	P	
d. Services to buildings (including dwellings), cleaning	C	

Table 40.230.020-1. Uses		
	MX	Special Standards <sup>1</sup>
and exterminating		
e. Branch banks	P	
f. Event facilities (<10,000 square feet <del>building footprint</del> gross floor area)	P	
g. Event facilities (10,000 to 50,000 square feet <del>building footprint</del> gross floor area)	C	
10. Services–Lodging Places.		
a. Hotels/motels	<del>GP</del>	
11. Services–Medical and Health.		
a. Outpatient clinics	P	
b. Medical laboratories	C	
c. <del>Sanitaria, e</del> Convallescent and rest homes	C	
d. Orthopedic equipment and supplies, rental, sales and services	P	
e. Animal hospitals and veterinary clinics.		
(1) Outside animal activities	<del>GX</del>	
(2) Inside animal activities only	P	
<del>(3) Animal daycare</del>	<del>C</del>	-
f. Ambulance services	P	
g. Residential care homes	<del>GP</del>	
h. Residential <del>and congregate</del> care facilities <u>(SEE ASSISTED LIVING DEFINITION AND PROPOSAL ABOVE TO ALLOW THEM BY RIGHT AS A RESIDENTIAL USE)</u>	C	
12. Services–Professional Office.		
a. Professional offices	P	
b. Medical and Dental Offices	P	
c. Artists/photographic studios	P	
13. Services–Amusement.		
a. Bowling alleys, billiard and pool parlors, and video arcades	<del>GP</del>	
b. Skating rinks, ice and/or roller	<del>GP</del>	
c. Theaters, indoor	<del>GP</del>	
d. Athletic, health and racket clubs ( <del>&lt; 10,000 square feet of gross floor area</del> )	P	
<del>e. Athletic, health and racket clubs (&gt; 10,000 square feet of gross floor area)</del>	<del>G</del>	-
<del>f. Circuses, carnivals, or amusement rides (SEE</del>	<del>R/A</del>	<u>40.260.060</u>

Table 40.230.020-1. Uses		
	MX	Special Standards <sup>1</sup>
<u>TEMPORARY USES)</u>		
14. Services—Educational.		
a. Nursery schools, preschools	P	<u>40.260.160</u>
b. Day care facilities consistent with Chapter 388.73 of the Washington Administrative Code	P	<u>40.260.160</u>
<del>c. Elementary schools</del>	<del>C</del>	-
<del>d.</del> Libraries	P	
<del>e.</del> Vocational schools	<del>GP</del>	
<del>f.</del> Artistic studios and schools including but not limited to dance, music and martial arts	P	
<del>g.</del> Public parks, parkways, recreation facilities, trails and related facilities	P	
15. Services—Membership Organizations.		
a. Business, professional and religious (not including churches)	P	
b. Civic, social, fraternal, charitable, labor and political	P	
c. Churches	C	
16. Public Services and Facilities.		
a. Buildings entirely dedicated to public services, such as city hall, police and fire substations	C	
<del>b.—Educational institutions</del>	<del>C</del>	-
<del>b.</del> Sewer, water and utility transmission lines	P	<u>40.260.240</u>
<del>c.</del> Wireless communications facilities	P/C	<u>40.260.250</u>
<del>d.</del> Zoos, museums, historic and cultural exhibits and the like	C	
<del>e.</del> U.S. Post Offices	P	
<del>f.</del> Public transit facilities including park and ride facilities	P	
17. Resource Activities.		
a. Agriculture	P	<u>40.260.040</u>
b. Silviculture	P	<u>40.260.080</u>
18. Accessory Uses and Activities.		
a. On-site hazardous waste treatment and storage facilities, subject to State Siting Criteria (RCW <u>70.105.210</u> ).	P	
b. Drive-through, drive-in or drive-up facilities <del>on 10 or more acres</del>	<del>PX</del>	
<del>c.—Drive-through, drive-in or drive-up facilities on &lt; 10 acres are limited to dry cleaning services and retail</del>	<del>P</del>	-

Table 40.230.020-1. Uses		
	MX	Special Standards <sup>1</sup>
<del>pharmaceuticals.</del>		
<del>cd.</del> Open Air Activities		
(1) Open air display of plants and produce is permitted in conjunction with a permitted use <sup>24</sup>	P	
(2) Open air <del>work</del> activities such as restaurants, portable walk-up vendors (not including drive-through facilities) such as espresso carts, flower stands and food stands, <del>plant nurseries and other uses generally conducted outside in conjunction with a permitted commercial use, unless otherwise prohibited by this title</del> <sup>32</sup>	P	
19. Other Uses		
a. Temporary uses	<u>PR/A</u>	<u>40.260.220</u>
b. Private use heliports	<u>GX</u>	<u>40.260.170</u>
c. Solid waste handling and disposal sites	<u>GX</u>	<u>40.260.200</u>

<sup>1</sup> All new development is subject to the Mixed-Use Design Standards per 40.230.020(F). "Special Standards" refers to additional requirements per the Clark County Code.

<sup>24</sup> *These areas must be identified and approved on the site plan.*

<sup>32</sup> *These uses are permitted to occupy up to ten percent (10%) of the total floor area of the development or building.*

#### E. Development standards.

##### 1. Residential.

a. Whether within a single building or on a development site, a minimum of twenty percent (20%) of the development shall be non-residential and a minimum of twenty percent (20%) of the development shall be residential. This percentage shall be calculated by determining the percent of ~~net~~ acres developable land devoted to each type of use. For mixed-use buildings, the percentage shall be calculated by one of the following methods (unless otherwise noted, applicants shall have the option to choose which calculation method):

(1) The percentage of floor area devoted to residential to non-residential uses. (FOR EXAMPLE, IF A FOUR STORY BUILDING CONTAINS NON-RESIDENTIAL ON THE GROUND FLOOR AND RESIDENTIAL USES ON THE UPPER FLOORS, THEN 25 PERCENT OF THE "DEVELOPABLE AREA" WOULD BE NON-RESIDENTIAL AND THE REMAINING 75 PERCENT WOULD BE RESIDENTIAL)

(2) The percentage of net floor area (for non-residential uses on the ground floor) to gross ground floor area. (FOR EXAMPLE, IF 25 PERCENT OF THE GROUND FLOOR IS OCCUPIED BY RETAIL SPACE, THE REMAINDER OF THE GROUND FLOOR IS PARKING, AND UPPER FLOORS ARE RESIDENTIAL, THEN 25 PERCENT OF THE DEVELOPABLE AREA WOULD BE NON-RESIDENTIAL AND THE REMAINING 75 PERCENT WOULD BE RESIDENTIAL. THIS PROVISION PROVIDES AN INCENTIVE FOR VERTICAL MIXED-USE SINCE IT PROVIDES MORE FLEXIBILITY THAN OPTION (1) WHICH LOOKS ONLY AT THE % OF FLOOR AREA IN THE BUILDING. CONSIDER THE ANTHEM PARK EXAMPLE – WHICH PARTICIPANTS FOUND DESIRABLE. IF A STRICT RATIO OF RESIDENTIAL TO NON-RESIDENTIAL FLOOR AREA WERE USED, IT WOULD COME NOWHERE NEAR THE 80/20 % MIX – IT WOULD BE CLOSER TO 95% RESIDENTIAL TO 5% COMMERCIAL)

Exception: The responsible official may allow a reduction in the percentage of required non-residential uses, to a minimum of five percent (10%), provided all of the following criteria are met:

(1) The development includes a vertical mix of uses in one or more mixed-use buildings. This shall include space for non-residential uses on at least a portion of the ground floor and residential uses on one or more upper floors;

(2) The development site is not larger than two (2) acres; and

(3) All ground floor residential units facing a public street shall maintain have a minimum structural ceiling height of fifteen (15) feet to provide the opportunity for future conversion to non-residential uses.

b. A minimum density of ~~twelve-eighteen~~ (182) dwelling units per net acres is required. This shall be based on the number of net acres devoted to residential use.

c. The maximum density shall be forty-three (43) dwelling units per net acre devoted to residential use. Exception: There shall be no maximum density for buildings featuring a vertical mix of uses. To qualify, non-residential uses shall occupy at least 50% of the building's street level frontage (façade facing street or façade containing primary business entrance). Residential uses shall occupy one or more upper floors.

2. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for sites, lots and building height, and setbacks in Tables 40.230.020-2 and 40.230.020-3, subject to the provisions of Chapter 40.200 and Section 40.550.020. Site plan review is required for all new development unless expressly exempted by this title (see Section 40.520.040).

**Table 40.230.020-2. Lot Requirements**

Zoning District/ Use	Lot Area (sq. ft.)		Lot Width (feet)		Floor Area Ratio (FAR)	Lot Depth (feet)	
	Minimum	Maximum	Minimum	Maximum	Maximum	Minimum	Maximum



MX	<del>None</del> <u>2,500</u>	None	<del>None</del> <u>20</u>	None	<del>None</del>	<del>None</del> <u>90</u>	None
<u>Dwelling unit, single family</u>	<del>None</del>	<u>7,500</u>	<del>None</del>	<del>None</del>	<u>0.5</u>	<del>None</del>	<del>None</del>
<u>Dwelling unit, duplex</u>	<del>None</del>	<del>None</del>	<del>None</del>	<del>None</del>	<u>0.5</u>	<del>None</del>	<del>None</del>

NOTE – THE INTENT WITH THE CHANGES ABOVE IS TO LET THE DESIGN STANDARDS ADDRESS MOST OF THESE ISSUES. THE TWO EXCEPTIONS ARE THE MAXIMUM LOT SIZE FOR SINGLE FAMILY – AS WE’LL WANT TO PROHIBIT LARGE LOT SINGLE FAMILY – AND SECOND, THE 0.5 FAR ENSURES THAT ANY SINGLE FAMILY HOMES WILL BE SCALED APPROPRIATELY PER THE LOT AND IT ENSURES THAT THE HOMES ARE LIKELY TO BE MORE AFFORDABLE THAN OTHERWISE WITH MAX HOME SIZE ON A TINY LOT.

**Table 40.230.020-3. Setbacks, Lot Coverage and Building Height for Non-Residential and Mixed-Use Buildings**

Setbacks <u>(feet)</u>				Maximum Lot Coverage	<u>Minimum and Maximum Building Height (feet)</u>
Setback	Additional Setback based on Proposed Building Height	Minimum	Maximum (from Street Frontage)		
Front	N/A	<del>100</del> <sup>1</sup>	N/A	85%	<del>10 – 72</del> <sup>1</sup> <u>72</u> <sup>2</sup>
Side	N/A	<del>10</del> <sup>1</sup>	N/A		
Rear	N/A	<del>10</del> <sup>1</sup>	N/A		
<del>Non-Residential development</del> which abuts a single-family residential district shall also be required to meet the following setbacks from the side or rear lot line of a residential lot in addition to those above:					
Rear and Side	<del>Proposed building height: 15 feet or less</del>	<u>5</u>	<del>N/A</del>		
	Proposed building height: <del>16 to less than</del> 30 feet	<u>58</u>	N/A		
	Proposed building height: 31 to 45 feet	<u>104</u>	N/A		
	Proposed building height: 46 feet or more	<u>154</u>	N/A		

NOTE – AGAIN – THE INTENT WITH ZERO SETBACKS IS THAT THE DESIGN STANDARDS WILL ADDRESS THE SETBACK ISSUE.

<sup>1</sup> Buildings within five (5) feet of any public street shall feature a pedestrian-oriented façade, which includes all of the following elements:

- The primary pedestrian entrance shall be located on this façade.
- The ground floor façade between 2 and 8 feet above the ground shall contain a minimum of 75 percent transparent window area.
- Weather protection at least 4-1/2 feet in depth and at least 8 feet above the ground along a minimum of 75 percent of the façade.

<sup>24</sup> All ground floor residential units shall have a minimum structural ceiling height of ten (10) feet. All ground non-residential uses shall have a minimum structural ceiling height of fifteen (15) feet, and the maximum "building height" shall be seventy-two (72) feet excluding unique architectural features such as steeples, chimneys, flagpoles, electronic aerial, and cupolas

**Table 40.230.020-4. Setbacks, Lot Coverage and Building Height for Residential Buildings**

<u>Setbacks (feet)</u>				<u>Maximum Lot Coverage</u>	<u>Maximum Building Height (feet)</u>
<u>Setback</u>	<u>Additional Setback based on Proposed Building Height</u>	<u>Minimum</u>	<u>Maximum (from Street Frontage)</u>		
<u>Front</u>	<u>N/A</u>	<u>10<sup>1</sup></u> <u>18' for garages</u>	<u>20</u>	<u>75%<sup>2</sup></u>	<u>72<sup>3</sup></u>
<u>Side</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>		
<u>Rear</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>		
<u>Street side or Rear</u>	<u>N/A</u>	<u>5</u>	<u>N/A</u>		
<u>Development which abuts a single-family residential district shall also be required to meet the following setbacks from the side or rear lot line of a residential lot in addition to those above:</u>					
<u>Rear and Side</u>	<u>Proposed building height: less than 30 feet</u>	<u>5</u>	<u>N/A</u>		
	<u>Proposed building height: 31 to 45 feet</u>	<u>10</u>	<u>N/A</u>		
	<u>Proposed building height: 46 feet or more</u>	<u>15</u>	<u>N/A</u>		

NOTE - THE ZERO SIDE AND REAR YARD SETBACKS WILL BE ADEQUATELY ADDRESSED BY THE BUILDING CODE, PROPOSED FAR RESTRICTIONS, AND MAXIMUM IMPERVIOUS AREA STANDARDS.

<sup>1</sup> Porches and covered entry features may project up to six (6) feet into the front yard setback.

<sup>2</sup> Landscaped areas on top of roofs shall not be included in the maximum lot coverage area.

<sup>3</sup> All ground floor units shall have a minimum structural ceiling height of fifteen (15) feet.

3. Landscaping—Fences and Open Storage. NOTE – SUPPLEMENTAL STANDARDS WILL BE IN THE MIXED-USE DESIGN STANDARDS.

a. LandscapingFences.

~~(1) All mixed-use developments shall meet the landscaping requirements set forth in Chapter 40.320, Landscaping and Screening.~~

~~(2) At least fifteen percent (15%) of the square footage of the site must be landscaped.~~

~~(3) Street trees shall be planted on all street frontages and within all median planting strips within the mixed use zoning district. In addition, street trees shall be placed a minimum of two (2) feet from the curb.~~

(14) Only under the following conditions may freestanding walls, fences and hedges be permitted along public streets or sidewalks:

(a) The maximum height of any solid wall, fence, or hedge shall be ~~four~~ three (34) feet, unless a solid masonry or concrete wall higher than ~~three~~ four (34) feet is required to mitigate significant noise impacts.

(b) The maximum height of any decorative wall, fence, or hedge which allows visibility, such as wrought iron and split rail fences, shall be ~~twelve~~ eight (812) feet.

(c) Barbed wire, razor wire, electric and other dangerous fences are prohibited.

b. Open Storage. Open storage is prohibited. Long-term parking of operational company cars, light trucks and vans within parking lots shall not be construed to be open storage.

4. Conversion of Existing Structures. An existing residential structure may not be converted to a commercial or office use unless consistent with this chapter. (LANGUAGE TO BE REFINED TO ADDRESS PLANNED AND PREDICTED CONVERSIONS (E.G., HAVE ALREADY ACCOMMODATED THE NEEDED PARKING) AND UNPLANNED CONVERSIONS.)

5. Parking and Loading.

a. Parking spaces shall provided consistent with 40.340.010(A)(5). Exceptions:

(1) Multi-family dwelling – studio unit: 1 space/dwelling unit.

(2) Assisted care facility, senior: 1 space/each 3 units.

(3) Senior housing: 1 space/dwelling unit

- ~~b. Tandem parking (one car behind the other) may be used for all housing types, provided the spaces are identified for the exclusive use of a designated dwelling unit.~~
- ~~c. On-street parking spaces adjacent to uses may count towards off-street parking requirements.~~
- ~~d. For non-residential uses, t~~The maximum number of parking spaces to be provided is limited to one hundred twenty-five percent (125%) of that required in 40.340.010(A)(5).
- ~~eb.~~ Shared parking between and among uses is encouraged and shall be permitted in accordance with subsection 40.340.010(A)(5).
- ~~c. Parking lot landscaping shall be provided in accordance with Chapter 40.320. Landscaping shall not be required for parking structures; neither shall it be prohibited.~~
- ~~d. The ground floor of parking structures shall incorporate retail uses.~~
- 6. Outdoor Business Activities. Outdoor business activities are permitted in the public right-of-way only if additional public sidewalk is provided greater than the required width. No business activities are allowed within the minimum required width, unless otherwise approved by the Public Works Responsible Official.
- 7. Signs. ~~The requirements of Section 40.310.010 and Table 40.310.010-3 applicable to the Mixed Use district must be met.~~
- NOTE – THE MATERIAL BELOW WILL ALL BE ADDRESSED IN THE “MIXED-USE DESIGN STANDARDS”
- ~~8. Building Orientation. The primary building entrance shall be oriented to the major street on which the building has frontage, a street corner, plaza, park, or other buildings on the site. The building may have other entrances as long as direct pedestrian access is provided to all entrances.~~
- ~~9. Pedestrian Access.~~
  - ~~a. An on-site pedestrian circulation system that links the street and the primary entrance(s) of all the structure(s) on the site shall be provided. Sidewalks or pedestrian ways must connect the required pedestrian system to existing pedestrian systems on adjoining developments if adequate safety and security can be maintained. Convenient delineated pedestrian access to transit stops shall be provided.~~
  - ~~b. Sidewalks shall be required and constructed according to the county’s road standards. The circulation system must be developed in accordance with Section 40.350.010.~~
  - ~~c. Where the system crosses driveways, parking areas and loading areas, it must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method approved by the reviewing authority. Striping may be permitted only in conjunction with at least one (1) of the preceding methods.~~
  - ~~d. Lighting for parking lots and pedestrian ways shall be provided to ensure personal safety.~~
  - ~~e. Lighting shall be integrated into the architectural character both in terms of illumination and fixtures. Lighting shall not produce glare or negatively impact off-site uses or traffic on adjacent streets.~~
- ~~10. Building Facades.~~

- ~~a. Blank walls are not permitted on any street frontage, including walls facing controlled access highways and freeways.~~
- ~~b. An unbroken series of garage doors is not permitted on any street frontage, including walls facing controlled access highways and freeways.~~
- ~~c. At intervals of not more than every fifteen linear feet, measured both vertically and horizontally, for every new or reconstructed building facing a public street or pedestrian way there shall be interest creating features such as pedestrian entrances, reliefs, murals, landscaping, transparent show or display windows, or windows affording views into retail, office or lobby spaces.~~
- ~~d. Multifamily dwellings must be designed so that the front door entrance of each dwelling is closer to the street than the garage door. Garages may also be sited in the following ways:~~
  - ~~(1) in the rear and accessed from an alley;~~
  - ~~(2) in the rear and accessed from a side drive; or~~
  - ~~(3) on the side and accessed from a side drive.~~
- ~~e. The building facade requirements above will not apply where they are in conflict with the design or character of architecture of existing buildings on the National Register of Historic Places, Buildings or Structures, or listed on the Washington State Register of Historical Sites and Buildings, or the Clark County Heritage Register, or designated by the Clark County Historic Preservation Commission or the board as a building site or structure of historical, architectural or cultural significance or merit, or as a historical or architectural landmark.~~

#### **F. Design Standards.**

All new development shall be designed in accordance with the Mixed-Use Design Standards as adopted by the ordinance codified in this chapter. (Ord. X).

#### **GF. Credits.**

A credit reduction of the TIF may be granted pursuant to this section with the implementation and maintenance of the corresponding action in Table 40.230.020-4 on approval of the responsible official.

<b>Table 40.230.020-4. Credits</b>	
Action	Maximum TIF Credit
Installation of on-site sheltered bus-stop (with current or planned service) or a sheltered bus stop within ¼ mile of site with adequate walkways if approved by C-TRAN	1% credit to cover up to 80% of cost.
Installation of bike lockers	1% credit to cover up to 80% of cost.
Connection to existing or future regional bike trail	1%
Installation of paid parking (by resident or employee)	3% credit to cover up to 80% of cost.
Provision of Flex Car for project	1% credit to cover up to 80% of cost.
Total if all strategies were implemented	7%

#### G. Approval Process.

1. Site plan review required. Mixed use developments shall require submittal of a site plan, as required under Section 40.520.040, Site Plan Review and Table 40.510.050-1, Application Submittal Requirements. The mixed use site plan shall be processed under the Type III review process, per Section 40.510.030.
2. Neighborhood Meeting Required. A neighborhood meeting shall be held prior to submission of a Type III application for a mixed use development. The applicant shall hold a public meeting to offer owners of property adjacent to the affected property an opportunity to participate in the development process. A pre-application conference is not a substitute for the required neighborhood meeting. The applicant shall follow the neighborhood meeting guidelines established by the county.
  - a. The neighborhood meeting shall be held ~~no earlier than~~within ninety (90) days ~~of prior to submittal~~ingal of the application.
  - b. The applicant shall send a notice of the meeting at least fifteen (15) days prior to the neighborhood meeting to:
    - (1) The official representative(s) of the county-recognized neighborhood association(s), if applicable, in whose boundaries the affected property is located, based on the list of official neighborhood associations kept by the responsible official, and
    - (2) Residents and property owners of record of property within a radius of five hundred (500) feet of the subject property. The records of the County Assessor shall be used for determining the property owners of record, and
    - (3) The responsible official.
  - c. The notice must identify the date, time and place of the meeting and provide a brief description of the proposed development.
  - d. A copy of the notice, proposed development plan as presented at the meeting, the mailing list, meeting summary and the sign-in sheet from the meeting shall be submitted with the application.

(Amended: Ord. 2004-12-12)